

Representative Ken Ivory proposes the following substitute bill:

PENALTY FOR FALSE STATEMENT DURING DRUG ARREST

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies offenses related to giving false information to a law enforcement officer.

Highlighted Provisions:

This bill:

- ▶ makes it a crime for an actor arrested for a crime to falsely claim the actor ingested drugs before the arrest; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

76-8-506, as last amended by Laws of Utah 2005, Chapter 92

Utah Code Sections Affected By Coordination Clause:

76-8-506, as last amended by Laws of Utah 2005, Chapter 92



26 *Be it enacted by the Legislature of the state of Utah:*

27 *The following section is affected by a coordination clause at the end of this bill.*

28 Section 1. Section **76-8-506** is amended to read:

29 **76-8-506. Providing false information to law enforcement officers, government**
30 **agencies, or specified professionals.**

31 [~~A person~~] An actor is guilty of a class B misdemeanor if [~~he~~]:

32 (1) the actor knowingly gives or causes to be given false information to [~~any~~] a peace
33 officer or [~~any~~] a state or local government agency or personnel with a purpose of inducing the
34 recipient of the information to believe that another person has committed an offense;

35 (2) the actor knowingly gives or causes to be given to [~~any~~] a peace officer, [~~any~~] a
36 state or local government agency or personnel, or to [~~any person~~] an individual licensed in this
37 state to practice social work, psychology, or marriage and family therapy, information
38 concerning the commission of an offense, knowing that the offense did not occur or knowing
39 that [~~he~~] the actor has no information relating to the offense or danger; [~~or~~]

40 (3) the actor knowingly gives or causes to be given false information to [~~any~~] a state or
41 local government agency or personnel with a purpose of inducing a change in the [~~person's~~]
42 actor's licensing or certification status or the licensing or certification status of another person;
43 or

44 (4) (a) at the time of the actor's arrest for an offense, the actor states to a law
45 enforcement officer that the actor ingested drugs before the actor's arrest;

46 (b) the law enforcement officer, based on the actor's statement described in Subsection
47 (4)(a), takes the actor to a health care facility for medical treatment; and

48 (c) a medical examination of the actor demonstrates that the actor's statement described
49 in Subsection (4)(a) was false.

50 Section 2. **Effective date.**

51 This bill takes effect on May 1, 2024.

52 Section 3. **Coordinating H.B. 211 with H.B. 15.**

53 If H.B. 211, Penalty for False Statement During Drug Arrest, and H.B. 15, Criminal
54 Code Recodification and Cross References, both pass and become law, the Legislature intends
55 that, on May 1, 2024, Section 76-8-506 be amended to read:

56 "76-8-506. Providing false information to a law enforcement [~~officers~~] officer,

57 government [~~agencies~~] agency, or specified [~~professionals~~] professional.

58 [~~A person is guilty of a class B misdemeanor if he:~~]

59 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
60 section.

61 (2) An actor commits providing false information to a law enforcement officer,
62 government agency, or specified professional if:

63 (a) the actor knowingly gives or causes to be given:

64 (i) false information to [any] a peace officer or [any] state or local government agency
65 or personnel with a purpose of inducing the recipient of the information to believe that another
66 person has committed an offense;

67 [~~(2) knowingly gives or causes to be given to any~~] (ii) information concerning the
68 commission of an offense to a peace officer, [any] a state or local government agency or
69 personnel, or to [any person] an individual licensed in this state to practice social work,
70 psychology, or marriage and family therapy, [information concerning the commission of an
71 offense,] knowing that the offense did not occur or knowing that [he] the actor has no
72 information relating to the offense or danger; or

73 [~~(3) knowingly gives or causes to be given~~] (iii) false information to [any] a state or
74 local government agency or personnel with a purpose of inducing a change in the [person's]
75 actor's licensing or certification status or the licensing or certification status of another person;
76 or

77 (b) (i) at the time of the actor's arrest for an offense, the actor states to a law
78 enforcement officer that the actor ingested drugs before the actor's arrest;

79 (ii) the law enforcement officer, based on the actor's statement described in Subsection
80 (2)(b)(i), takes the actor to a health care facility for medical treatment; and

81 (iii) a medical examination of the actor demonstrates that the actor's statement
82 described in Subsection (2)(b)(i) was false.

83 (3) A violation of Subsection (2) is a class B misdemeanor."